

Campaign	
<p>Gerald F. Madea Los Altos City Council Dated: April 14, 2003 File Number A -02-324</p>	<p>The campaign funds raised by a former candidate for local office in 1989 are considered “surplus funds” under section 89519 and may not be used for a future campaign by the former candidate.</p>
<p>Adam C. Gray Merced County Democratic Central Committee Dated: April 18, 2003 File Number A -03-068</p>	<p>There are no limits on the amount a political party committee may receive into an account established for purposes other than to support or oppose state candidates (non-candidate account); a political party committee may use funds from its non-candidate account to make contributions to another political party committee’s non-candidate account; a political party committee may not use funds from its non-candidate account to make contributions to another political party committee’s account established to support or oppose state candidates; and, intermediary reporting is not required when one committee contributes unearmarked funds to another committee, are the conclusions reached in this letter.</p>
<p>King W. Collins Placer County Clerk - Recorder-Registrar of Voters Dated: April 18, 2003 File Number I-03-075</p>	<p>The registrar of voters is advised that candidates who file pre-election campaign statements in connection with an August 12 special district election will satisfy the requirement to file the semi-annual statement due July 31, 2003.</p>
Conflict of Interest	
<p>Milan “Pete” Petrovich City of Brentwood Dated: April 3, 2003 File Number I-02-289</p>	<p>A member of a city council has an economic interest in a corporation that has submitted an application to the city for a cable television franchise; therefore, the city council member is prohibited from making, participating in making or influencing any decision of the city council concerning the corporation.</p>
<p>J. Christine Dietrick City of Pismo Beach Dated: April 8, 2003 File Number I-02-325</p>	<p>The concerns of three public officials regarding participation in the adoption of a specific plan and their possible conflicts of interest were addressed in <i>Hunt</i>, Advice Letter No. A-02-073, a prior advice letter. This follow-up letter applies the “public generally” exception and segmentation to the specific plan decisions. While most of the economic interests met the criteria of the significant segment component of the “public generally” exception, whether or not they would be affected in substantially the same manner is a factual determination that the public official must make – the Commission does</p>

<p>Gregory J. Oliver Office of the County Counsel Dated: April 1, 2003 File Number A -03-002</p> <p>Judy Spelman, RN California Senate Dated: April 28, 2003 File Number A -03-023</p> <p>Lori J. Barker City of Chico Dated: April 8, 2003 File Number A -03-028</p> <p>Susan E.M. Dell'Osso, et al. City of Lathrop Dated: April 3, 2003 File Number A -03-029</p> <p>Terence R. Boga City of Seal Beach Dated: April 17, 2003 File Number A -03-047</p>	<p>not act as a finder of fact.</p> <p>A county supervisor who owns his own law firm is advised on representing clients while also participating in budget and collective bargaining decisions. So long as the decisions do not have a reasonably foreseeable material financial effect on his law firm or its clients, he may participate in the decisions. The county supervisor is also advised that his membership in a local nonprofit organization will not affect his participation in the budget decisions while on the board of supervisors since the nonprofit organization does not constitute an economic interest.</p> <p>A consultant to a state senator would have a conflict of interest under section 87103 with respect to certain governmental decisions that the consultant is participating in while working on universal health care legislation, if the consultant accepts income from Kaiser Permanente through on call employment as a nurse.</p> <p>If development standard and subdivision decisions will affect a significant segment of the "public generally" in substantially the same manner as they will affect planning commissioner's economic interests, then the commissioner may participate in decisions.</p> <p>Members of a local financing authority board sought advice whether they have a conflict of interest, based on their employment, prohibiting them from voting on a proposal to create a special funding district for assessing fees for water and sewer services. The members were advised that since their employer is both the sole landowner and sole industry, trade or profession in their jurisdiction, the specialized form of the "public generally" exception at regulation 18707.7 permits them to make decisions relating to the formation of the special funding district.</p> <p>The mayor and a council member may participate in a series of decisions because the "public generally" exception applies where 40% of property owners are affected by the decision in substantially the same manner.</p>
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<p>Jay A. Lembach City of Encinitas Dated: April 21, 2003 File Number A-03-048</p> <p>Bart J. Thiltgen City of Bakersfield Dated: April 17, 2003 File Number I-03-053</p>	<p>A public official will not have an economic interest in a nonprofit corporation he is forming provided he does not receive income from it.</p> <p>A council member requested advice as to whether he could vote on decisions to initiate public works projects when his employer might provide funding to contractors or subcontractors awarded the project. The council member was advised that it is not reasonably foreseeable that these decisions will have a material financial effect upon his employer. Insufficient information was provided by the requestor to allow advice on whether the council member has a conflict of interest disqualifying him from voting on a decision to award a contract to a customer of his employer.</p>
<p>George W. Snyder Lake Don Pedro Community Services District Dated: April 11, 2003 File Number I-03-054</p> <p>W. Andrew Hartzell County of San Bernardino Dated: April 18, 2003 File Number I-03-059</p> <p>Bob Biddle Office of Assemblyman Tom Harman Dated: April 3, 2003 File Number G-03-063</p> <p>Sandra Wallace Soquel Elementary School District Board of Trustees Dated: April 29, 2003 File Number A-03-069</p>	<p>A board member for a community services district is advised that when his employer, a corporation, applies to the district to provide services for a development, it meets the test for being directly involved in a governmental decision. The board member will be required to recuse himself from the decision because any reasonably foreseeable financial effect at all, even one penny, on the corporation when the corporation is directly involved in a decision before the district is deemed material.</p> <p>This county supervisor was advised that he may not participate in decisions regarding employee health insurance plans if the decisions will have a material financial effect on his spouse's medical practice or on any patient who is a source of income.</p> <p>The office of Assemblymember Tom Harman asked whether an individual can be on the city council and also on the board of a sanitation district in the same city. The letter informed the requestor that the topic was not within the Political Reform Act and referred him to the Office of the Attorney General.</p> <p>It is presumed that an official's property will be materially affected by a decision concerning a school within 500 feet of her property. This presumption may be rebutted by proof that it is not reasonably foreseeable that the decision will have any financial effect on the property; an appraisal considering certain factors might rebut this presumption.</p>

Conflict of Interest Code	
Edward L. Knapp El Dorado County Dated: April 4, 2003 File Number A -02-229	<p>The grand jury of El Dorado County continues to be a local government agency which is required to adopt its own code. The El Dorado Board of Supervisors is the code reviewing body for the grand jury.</p>
Gift Limits	
Diane Baumann 39th District Agricultural Association Dated: April 9, 2003 File Number I-03-035	<p>A county fair association is advised on the receipt of passes and shirts from the association, as well as passes received from other entities. Also discusses when payments are given to the association as opposed to the official who ultimately receives the payment.</p>
Mass Mail	
Lieutenant Jack J. Anderson County of Orange Dated: April 4, 2003 File Number A -03-033	<p>A proposed questionnaire produced by a sheriff's department and referring to the sheriff meets all the criteria of regulation 18901(a) and consequently, is prohibited by section 89001 of the Act.</p>